IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE NINETEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

-

WRIT PETITION No. 20491 of 2004

Between:

P. Prasad, S/o. Bhaskar, Contract Labour,
R/o. H.No.1-6-40/1, Zirayath Nagar, Armoor,

Nizamabad District.

..... PETITIONER

AND

1. The Chief General Manager, (HRD), Northern Power

Distribution Company of A.P. Limited, Warangal.
2. The Superintending Engineer, Operation Circle,

Northern Power Distribution Company of A.P. Limited,
Nizamabad.
3. The Chairman and Managing Director, Northern Power

Distribution Company of A.P. Limited, Warangal.
4. The Chairman and Managing Director, Transco,

Vidyut Soudha, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction more in the nature of writ of Mandamus to declare the notification dated 12.03.2003 issued by the Chief General Manager (HRD) A.P. Northern Power Distribution Company Ltd., Warangal declaring that there are no

successful candidate for appointment in the 50% left over vacancies earmarked for Ex-Casual Labour/Village Electricity Workers/Contract Labours and hold that the petitioner is entitled to be given appointment as LDC/Typist on the basis of his merit and ranking in pursuance of the process of selection as per notification in terms of B.P. No.36, dt. 18.5.1997 as per the commitment given before the Hon'ble Court.

Counsel for the Petitioner: MR.D.BALA KISHAN RAO

Counsel for the Respondent Nos.1 to 4: SMT.M.VINOBHA DEVI (Standing Counsel for A.P. TRANSCO)

The Court at the stage of admission made the following :

THE HONOURABLE DR. JUSTICE G.YETHIRAJULU

Writ Petition No.20491 of 2004

ORDER:

The petitioner contends that he worked as Contract Labour under the Respondents-Company. The second respondent issued a Notification on 28.04.2001 inviting applications from eligible ex-casual labour, Village Electricity Workers, and Contract Labour in the erstwhile A.P.S.E.B., Operation Circles for consideration against left over vacancies in the cadres of L.D.Cs./Typists under 50% existing as on 18.05.1997. It was further mentioned in the notification that the applications should reach the second respondent on or before 15.05.2001. The petitioner contends that he is eligible for those posts and therefore, he made application for the post of L.D.C./Typist along with his bio-data. After scrutinizing the applications, the respondents published a list of candidates, who are eligible for interview through the Notification published in EENADU daily newspaper dated 15.11.2002, instructing them to attend the oral interview at Operation Circle, Nizamabad on 30.11.2002 with all the relevant certificates for considering their cases for filling up of the balance left over vacancies as per B.P.Ms.No.36, dated 18.05.1997, in which, his name was included. The petitioner further contends that as per the Orders in W.P.M.P.No.29883 of 2002, dated 27.11.2002, the second respondent also sent individual call letter on 19.11.2002 intimating him about the oral interview at 10.30 a.m. on 30.11.2002 at Engineers Association Guest House, Varni Road, Nizamabad. The petitioner further contends that he attended the interview on 30.11.2002. Accordingly, interviews were held on the said date and the first respondent has prepared the list of 71 eligible candidates and requested the Vigilance Wing to check up the genuineness of the Service Certificates issued by the Contractors and the Vigilance Wing appears to have taken the statements from

the Contractors regarding the certificates given by them and called for the original certificates of all the candidates, to send to the concerned Universities and later, the Vigilance Wing pointed out lapses that the Contractors have not produced the Muster Rolls and E.P.F. before them and on the basis of the said objections, and that too after completion of the entire process of selection, the first respondent declared that there are no successful candidates and thus the results of the interview held are 'nil'. The petitioner further contends that under identical circumstances, this Court, on 24.12.2002, while disposing of W.P.Nos.17163 of 2002 and batch, held that the action of the respondents in simply rejecting the cases of the petitioners based on the Vigilance Inspector's Report on the ground that the Contractor has not produced the aforesaid registers is unreasonable and unsustainable. The petitioner, therefore, approached this Court, through this writ petition, seeking to declare the Notification dated 12.03.2003 issued by the first respondent, declaring that there are no successful candidates for appointment in the 50% left over vacancies earmarked for Ex-casual Labour/Village Electricity Workers/Contract Labour and to declare that the petitioner is entitled to be given appointment as LDC/Typist on the basis of his merit and ranking in pursuance of the process of selection as per the Notification in terms of B.P.Ms.No.36 dated 18.05.1997.

2. In W.P.No.5158 of 2003 and batch, a learned single Judge of this Court, has struck down the notification issued by the respondents, declaring 'nil' results and directed the respondents to consider the cases of those petitioners for absorption pursuant to the orders in B.P.Ms.No.36 dated 18.05.1997. The learned Judge further observed that if any of the petitioners are not found eligible or qualified, communicate the reasons individually to the petitioners within eight weeks from the date of receipt of a copy of the order. The said order was issued by this Court on 08.10.2004.

3. Since the petitioner also attended interview of similar posts though on a different date and as the respondents announced 'nil' result on both occasions, it would be appropriate to pass similar order in this writ petition also.

4. The writ petition is accordingly allowed setting aside the 'nil' result announced by the respondents in pursuance of the interview conducted to the petitioner and others on 30.11.2002. The respondents are directed to consider the case of the petitioner in the light of the orders in B.P.Ms.No.36 dated 18.05.1997 and if the petitioner is not found eligible for the post of L.D.C./Typist, communicate the reasons to the petitioner

within eight weeks from the date of receipt of a copy of this Order. No order as to costs.

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Dr.G.YETHIRAJULU, J

Dated: 19th November, 2004.

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ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Chief General Manager, (HRD), Northern Power

Distribution Company of A.P. Limited, Warangal.
2. The Superintending Engineer, Operation Circle,

Northern Power Distribution Company of A.P. Limited,
Nizamabad.
3. The Chairman and Managing Director, Northern Power

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5. Two C.D. copies.